




Planning Department

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
planning@acton-ma.gov

MEMORANDUM

To: Zoning Board of Appeal

Date: November 30, 2015

From: Robert Hummel 

Subject: Special Permit #15-13

Magnetic Sciences - Home Occupation with Employees (Zoning Bylaw Section 3.8.1.2)

Applicant: Paul and Dolores Elliot
Property Owner: Paul and Dolores Elliot
Location: 367 Arlington Street
Map/Parcel: F1-88-2
Zoning: R-2
Proposed Use: Home Occupation with Employees
Hearing Date: December 7, 2015
Decision Due Date: March 6, 2016

Background

Paul and Dolores Elliot of Magnetic Science are requesting a Special Permit from the ZBA so that they can employ two non-residents for their home occupation. Under 3.8.1.2 in the Zoning Bylaw, the Board of Appeals may authorize by Special Permit, a home occupation which employs non-residents provided that no more than two such non-resident employees shall be present on the premises at any one time.

Paul Elliot applied for a d/b/a certificate from the Town. As part of the routine zoning review of d/b/a applications it was discovered that Paul Dolores employs people at his property without the proper zoning permits. Currently, the two non-residents employees work part time only on Fridays. He seeks now to remedy the zoning violation with this Special Permit application. The application for the d/b/a is on hold for now.

Magnetic Science sells and rent test equipment for measuring Electromagnetic fields, including magnetometers, gaussmeters, RF meters, probes, and sensors. This equipment is used by industry, university researchers, schools, students, homeowners, and others. They sell items all over the USA and worldwide. Most of the items they sell are manufactured elsewhere and they resell them. Some items require electronic assembly at their location.

Comments

1. 367 Arlington Street is located in the R-2 zoning district.

2. There is no current Special Permit on record for the 2 non-residents workers for this home occupancy.
3. There will be no retail sales conducted at the home occupation.
4. The subject lot and building appear to conform to the dimensional zoning requirements.
5. The application was distributed for departmental review and comments on 10/28/15.
6. Magnetic Science does light assembly, soldering, and they mix a few different compounds a few times a year.
7. The chemicals that are being used and the amount of chemicals that are mixed at any given time are described in the provided safety reports and the supplementary information from the applicant.
8. 367 Arlington Street is located in Groundwater Protection District Zone 3.
9. The chemicals and compounds that are being used are classified as hazardous material or waste in the zoning bylaw and they are allowed in Zone 3 Aquifer Protection Area.
10. The following comments were collected interdepartmentally.
11. The Health Department requested that a Hazardous Materials Control Permit application be filled out for exceeding 25 lbs/ gallons of hazardous materials.

Recommendation

1. The Planning Department recommends that the Special Permit be approved with conditions that incorporate the comment provided by the Health Department.
2. If the Special Permit is granted, the decision should include findings, conditions and limitations as follows:
 - a. That it is only granted to the applicant and current resident/owner of the premises, and that it shall not be transferable to any subsequent owner of the property.
 - b. A clear indication of the number of employees that will be allowed on the premises at any given time (1 or 2), and if appropriate during which days and times.
 - c. The applicant must file for a Hazardous Materials Control Permit with the Health Department.
 - d. That the Petitioner must record the Special Permit decision at the Middlesex South District Registry of Deeds or the Land Court within 30 days of its issuance date and evidence of recording shall be submitted to the Acton Planning Department.
 - e. That all taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full before the issuance of a d/b/a certificate/renewal.
 - f. That the Special Permit conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw.
 - g. That the Town of Acton may elect to enforce compliance with the Special Permit using any and all powers available to it under the law.
 - h. That other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by the decision.
 - i. That the Board reserves its right and power to modify or amend the terms and conditions of this Special Permit with or without a public hearing upon the request of the Applicant, its designees or assigns, or upon its own motion.
 - j. That the proposed request is consistent with the Master Plan; is in harmony with the purpose and intent of the zoning bylaw; will not be detrimental or injurious to the neighborhood; is appropriate for the site; and complies with all applicable requirements of the zoning bylaw.